



BOARD OF SELECTMEN
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BOARD MEETING MINUTES
August 1, 2019
10:00 A.M.

Selectmen Present: Daniel Baker, Robyn Bates, Charles Kenison

Mr. Baker called the meeting to order at 10 a.m.

PRIMARY:

10:00 MEET WITH ATTORNEY WAUGH

At 10:00 a.m. Ms. Bates made a motion to go into non-public session under RSA 91-A:3 II(e). Mr. Kenison seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes.

At 10:38 a.m. Ms. Bates made a motion to leave non-public session and seal the minutes as disclosure would adversely affect the reputation of the person other than a member of the board. Mr. Kenison seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes.

*** **APPROVE MINUTES**

- July 18, 2019
- July 24, 2019

Mr. Kenison made a motion to approve the minutes of July 18th and 24th, 2019. Ms. Bates seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0

*** **APPROVE MANIFESTS**

Ms. Bates made a motion to approve the manifests. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0

*** **REVIEW SIGNATURE FOLDER** – The Selectmen reviewed and signed.

*** **CONSTRUCTION PERMIT**

- Map 21, Lot 33
- Map 9, Lot 13

Map 21, Lot 33 – Ms. Bates made a motion to approve the Construction Permit for Map 21, Lot 33. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0
The Selectmen agreed that an Occupancy Permit was needed.

Map 9, Lot 13 – Mr. Kenison made a motion to approve the Construction Permit for Map 9, Lot 13. Ms. Bates seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0
The Selectmen agreed that an Occupancy Permit wasn't needed.

10:00 MEET WITH ATTORNEY WAUGH – Meeting and discussion was held earlier.

10:45 MEET WITH WES WHITHAM AND TERRY SILVERMAN

Wes Whitham introduced Forest Ranger, Adrain Reyes. Ranger Reyes just happened to come by the office and Mr. Whitham asked him about the quarry property. Ranger Reyes asked to look at the map of the quarry property. He was going to look at the one vernal pool on the property. Mr. Baker shared that they haven't received the report from the State. Mr. Whitham shared that he wanted to stop by to let the Selectmen know that Ranger Reyes would be looking into the issue. Mr. Kenison stated that since he was a forester he should be able to identify the wetlands very quickly.

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11:00 MEET WITH SUZANNE GRAY & TERRY SILVERMAN

- Attorney representation for solar project
- Land Use Assistant hiring

Suzanne Gray gave an update to the Selectmen and thanked them for approving the pay rate for Sandra Gillis. Ms. Gillis would take minutes and write them up and Laurie Hayward would do the office hours. Discussion was held on the resumes received to date. Ms. Gray shared that she received only 4. She would check her e-mail. Mr. Baker asked Ms. Gray to review what has been received and Ms. Favreau would make copies. Ms. Gray reported that the Planning Board would be meeting on Tuesday, August 6th to review resumes and to start working on the feedback from their public information meeting regarding the solar project. Ms. Favreau stated they needed to discuss the process for hiring. Ms. Favreau asked how the Selectmen wanted to proceed. Mr. Baker stated they agreed to have a member from Planning Board, ZBA, Conservation Commission, Historic District Commission, Selectman representative, and Ms. Favreau. Ms. Gray asked to look back to see how the process was historically. Ms. Gillis informed Ms. Gray how she was interviewed and hired. Ms. Gray shared Danica Malone was interviewed by the entire Planning Board. Ms. Gray wanted to create a process that everyone agreed with. Ms. Bates discussed how reviewing resumes and interviewing was done in the business world. Mr. Kenison asked that the resumes be sent to all of the individuals and responses be sent to a point person. He would like to see a week turnaround. Discussion was held on who would be part of the interview process. Ms. Favreau would ask Paul Kotila, Chair of the Conservation Commission if he wanted to be involved. Ms. Bates asked that a group e-mail be sent to all parties (Chairs of the Boards/Commissions) giving instructions of the process. After discussion it was agreed to have the Chairs of the Planning Board, Conservation Commission and ZBA interview the candidates, along with a Selectman representative and Ms. Favreau. They could nominate someone else on their Boards/Commissions if the Chair doesn't want to be involved. Mr. Silverman was of the opinion that the entire Planning Board needed to be part of the interview process. Mr. Baker stated whatever was done we needed to make sure there was equity among all Boards/Commissions.

Mr. Baker made a motion to have a member of the Planning Board, Conservation Commission, ZBA and the Historic District Commission, or their designee, including a member of the Select Board be part of the interview process in addition to the Town Administrator. Ms. Bates seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0

Ms. Gray shared that the Planning Board would like to hire Attorney Arthur Cunningham as their legal representative. Ms. Bates shared that Attorney Manzelli stated that an attorney not be hired until we get to the point of a conflict and then an interview process to hire an attorney be followed.

Ms. Favreau shared that she has forwarded information to Ms. Hayward to be sent out to the Planning Board and the Conservation Commission from Attorney Manzelli. Ms. Bates asked if it was clear. Mr. Silverman stated it was clear but didn't sound correct to him. Mr. Silverman stated that the Planning Board voted to hire Attorney Cunningham. Ms. Gray shared that the Selectmen want them to following an attorney hiring process. Discussion was held on the legal expenses of the Town, legal payment reimbursement language in the MOU and the process.

Mr. Silverman stated that the Planning Board should have had an attorney at the beginning. Ms. Gray stated they would get some names together and start the interview process to be ready. Mr. Baker asked what they wanted counsel to do. Ms. Gray wanted the attorney earlier on to pressure Chinook to go through site plan review. Ms. Gray stated it would have been more beneficial for the Planning Board to have had an attorney last year.

Mr. Baker shared that the Selectmen have asked to have the reports without the information being redacted. Ms. Gray shared that she would ask the experts for an estimate of cost to review the documents and forward the information to Attorney Manzelli.

Ms. Gray asked who would be taking out the public feedback concerns from the transcripts of the July 18th meeting. Ms. Bates suggested asking Attorney Manzelli if she was going to do this so as not to duplicate effort. If she isn't, who would be handling the task would be determined.

Ms. Bates discussed the soil survey and asked if it made sense to ask Carl Hagstrom to review for feedback.

REVIEW EMAIL FROM LAURIE HAYWARD Re: Prime Wetlands

Mr. Baker discussed the work of Rick Van de Poll in establishing wetlands that the Town voted on to be prime wetlands. Mr. Baker shared that the Town's prime wetlands wasn't approved because they didn't meet the change in dimension. The Governor vetoed the bill that Mr. Van de Poll submitted. Mr. Baker was of the opinion that the Town shouldn't pay additional costs to Mr. Van de Poll because the 50 foot dimension was in play when he did the Town's report. Mr. Baker said that Mr. Van de Poll should warranty his work. Mr. Kenison asked if this wasn't already discussed. Ms. Gray shared that it was. Discussion was held on Mr. Van de Poll's suggestion not to change his maps but to name as wetlands of significant value,

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having the State approve those wetlands identified by Mr. Van de Poll. Ms. Gray discussed the issue that the narrow/thin areas were the most vulnerable areas of the wetlands. Ms. Gray shared how the State interpreted the guidelines. Ms. Favreau stated that the Conservation Commission should handle this and asked if Ms. Gray was going to inform the Conservation Commission. Ms. Gray was waiting to hear back from the State. Mr. Baker asked Ms. Gray to consider the enforcement of violations. Currently, enforcement can't be done because they haven't been approved by the State.

Mr. Baker stated they would wait to hear a response from the Planning Board and the Conservation Commission before proceeding any further. Mr. Silverman shared what happened on Pierce Road and noted the Town already voted for those 6 wetlands to become prime wetlands. Mr. Silverman stated those narrow/thin areas were vulnerable. Mr. Kenison asked if we changed the map to incorporate the 50 foot narrow/thin areas and keep the original map and name as wetlands of significant value so that the 50 foot narrow areas could be enforced. Everyone agreed that Ms. Gray proceed. Mr. Silverman suggested to wait until we hear from Mr. Van de Poll. Ms. Gray stated that a response was received from Mr. Van de Poll. The concern was the potential cost of reworking the map. Mr. Silverman shared that he wouldn't be charging for this work. Ms. Gray would follow-up with the Selectmen and the Conservation Commission.

REVIEW EMAIL FROM BETH VANNEY Re: knotweed

The Selectmen reviewed Beth Vanney's e-mail regarding invasive species in Fitzwilliam. Ms. Favreau shared that Mr. Cuomo has closed down the compost pile. The Selectmen agreed to post a sign stating not to remove. Mr. Silverman stated that having a person not certified taking out invasive species could be a problem. Ms. Bates shared Ms. Vanney's process of removal. Mr. Pinney agreed with Ms. Vanney. The Selectmen agreed to let Ms. Vanney know that they would adopt all of her suggestions. Mr. Cuomo would post a sign against removing the compost. The Selectmen asked Ms. Favreau to contact the State to determine how to safely dispose of the knotweed. Mr. Pinney suggested adding a reason why the compost can't be removed, since residents have always been able to use. Ms. Favreau would get the sign of invasive species handout from Land Use and have it laminated and posted at the Transfer Station.

REVIEW VENDOR PERMIT APPLICATION

Ms. Bates made a motion to approve the Vendor Permit for Smarty Pants Ice Cream on August 8th from 6 – 8 p.m. and to waive the fee. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0

REVIEW INVOICE FOR COMMON ELECTRICAL WORK

The Selectmen reviewed the invoice for electrical work. It was noted to be \$250 higher. Ms. Bates asked for a reason. Mr. Kenison stated he didn't think the invoice was unreasonable.

Mr. Kenison made a motion to approve the invoice in the amount of \$1,019.96. Ms. Bates seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0

DISCUSS INFORMATION FROM ZBA

Mr. Baker reviewed information received from the committee authorized to give feedback on ordinances. Ms. Favreau shared that it was received a while ago.

Ms. Bates shared that when the Selectmen met with Ms. Gray and Ms. Wittenborg, they discussed having a committee work on the ordinances. It was asked if they have approval? Ms. Favreau thought that the Planning Board was the Board to present.

Mr. Baker asked to follow-up with Ms. Wittenborg regarding her conversation with NHMA. The Selectmen agreed that the information needed to be given to the Planning Board. Mr. Baker stated the need for the Board/Commissions to work together. Ms. Favreau suggested that the Selectmen get on the Planning Board's agenda for next Tuesday. Ms. Bates felt that the Planning Board and the ZBA working together wasn't going to happen. Ms. Favreau suggested to approach it in a way that presents that they have a lot of work on their plate and would they be willing to review the work of the committee.

Mr. Baker asked if the Selectmen wanted to move forward or not. Ms. Bates would like to see what comes out of the committee and the Selectmen try to advocate for change with the Planning Board. Mr. Kenison agreed. He mentioned that there was a committee willing to work on the ordinances and we are doing our part to get on record what needed to be changed, trying to get the Planning Board to work on and finding out if legal for the Select Board to put on the Warrant. The Selectmen agreed that the committee would review the ordinances.

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REVIEW CONTRACT FROM DILUZIO

The Selectmen reviewed and discussed. It was noted that the Town of Swanzey pays \$38,000 a year to contract with DiLuzio for ambulance service. Discussion was held on paying \$3,000 for ambulance coverage per month on a temporary basis, with the Town providing first responder service. Mr. Baker asked the Selectmen to review before their meeting with the FireWards.

Ms. Favreau would contact Winchendon to find out the cost of ambulance service. Mr. Baker asked about the billing during this time. It was noted that DiLuzio received 60% of the cost. Mr. Kenison stated that the contract cost was based on population. Mr. Kenison reviewed what was voted on at Town meeting from July 1st on. He asked Ms. Favreau to determine the cost and to leave out the Chief. Ms. Bates asked to let Brandylynn Handy know what the Selectmen's agenda items were for their meeting with the FireWards. Mr. Baker asked that Ms. Favreau send a thank you letter to Acting Fire Chief Dubriske for their coverage during this week's storm. Mr. Baker noted that Gene Cuomo was also working. Mr. Kenison asked that a thank you letter be sent to Troy and Richmond Fire Departments for their responses.

ON-GOING BUSINESS:

- STEEPLE PROJECT – BUDGET WORKSHEET
- PRIME WETLANDS FOLLOW-UP

Ms. Favreau would follow-up with Attorney Manzelli to schedule a meeting.

After discussion, the Selectmen agreed to cancel their meeting on August 15th and possibly their August 29th meeting.

Mr. Baker asked what the Town's options were regarding the condemned property. It was condemned because of the failed septic system. Ms. Favreau shared it wasn't inhabitable, not that it needed to be torn down. Ms. Favreau would follow-up with the Health Officer. The Selectmen also discussed another property on the corner of West Lake Road and Rte 119 W.

Ms. Favreau would send a cease and desist letter to John Heikkinen regarding construction work on the Lydia Ford property.

INFORMATION

- Letter from DES – State Line Campground - For the Selectmen's information only

Meeting Schedule: 10:00 a.m. – Thursday, August 1, 2019

5:00 P.M. – Wednesday, August 7, 2019 at Depot Station with FireWards

7:00 p.m. – Wednesday, August 7, 2019

9:00 a.m. – Thursday, August 15, 2019

7:00 p.m. – Wednesday, August 21, 2019

9:00 a.m. – Thursday, August 29, 2019

Mr. Kenison made a motion to adjourn the meeting at 12:48 p.m. Ms. Bates seconded and the motion passed. 3-0

Submitted by:

Sheryl White
Secretary to the Board of Selectmen

Daniel Baker, Chairman

Robyn Bates

Charles Kenison
Board of Selectmen